



Oifig um Sholáthar Rialtais
Office of Government Procurement

Commercial Skills Academy

PRESENTS

MASTERCLASS PRESENTATION and ROUNDTABLE DISCUSSION

Dispute Avoidance and Management in Public Works Contracts

Tuesday 19th October 2021 via WebEx from 9.30am—11.30am

Event Purpose: To provide attendees with an understanding of what opportunities are contained within the public works form of contract to avoid disputes including how the role of the Standing Conciliator can assist in this regard. The roundtable discussion will also focus on how to best prepare for and manage disputes. Discussion will also take place on reaching agreement amongst the parties

Time	Topic	Speaker
09.30—09.35	Introduction to event	Killian O' Donoghue Procurement Practice and Commercial Skills Academy
09.35—09.55	The Project Board and Standing Conciliator under the Public Works Contract: One Employers Perspective	Greg Power, Trinity College Dublin
09.55—10.05	Q&A	Attendees and Speakers
10.05 - 10.25	Dispute Avoidance A Standing Conciliators Perspective	Ciaran Fahy, Consultant Arbitrator, Conciliator, Mediator
10.25—10.35	Q&A	Attendees and Speakers
10.35—11.20	Roundtable Discussion Michael Farrington, Head of the Procurement Practice and Commercial Skills Academy, will conduct an in-depth discussion with highly experienced public servants and industry experts on dispute avoidance and dispute management. The discussion will provide participants with insights from an expert panel of what opportunities and challenges are contained within the public works form of contract in terms of dispute avoidance, what measures should be taken to best prepare for disputes, how disputes should be managed and the role of stakeholders (including senior management) when a dispute arises.	Panellists Greg Power , Trinity College Dublin Ciaran Fahy , Consultant Arbitrator, Conciliator, Mediator Gerry O' Brien , Consultant in Dispute Resolution and Public Procurement Hank Fogarty , Lecturer in Construction Law & Contract Administration Martin Curley , Senior Engineer with Roscommon County Council
11.25 -11.30	Event Close	Killian O' Donoghue Procurement Practice and Commercial Skills Academy

Continuous Professional Development

Members of the Royal Institute of Architects of Ireland, the Society of Chartered Surveyors Ireland and Engineers Ireland who attend this Masterclass event will be entitled to 2 continuous professional development points/hours.



Please note this event is for staff of the Public Sector.

Registration via WebEx is required by 4.00pm 15th October 2021

This event may be recorded for training and quality purposes.

For queries, contact csacademy@ogp.gov.ie



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Speaker Biographies

Michael Farrington, Head of the Procurement Practice and Commercial Skills Academy

Michael has 20 plus years' experience in the delivery of residential, commercial, infrastructural and public realm projects for both private and public clients. For public clients, he has fulfilled the role of Employer's Representative under the Public Works Contract on numerous occasions. In the Dispute Resolution Michael has represented public clients in a number conciliation processes under Public Works Contracts, drafting response statements and putting forward Employer case in oral hearings as well as advising the Employer on reaching agreements.

In policy development he has served as a Technical Adviser to the Construction Policy Unit in the Office of Government Procurement and sat on the Government Contracts Committee for Construction. Here he drafted and published amendments to the CWMF in 2016, including amendments relating to the role of Standing Conciliator and the Project Board. At senior management level he was Programme Manager for the Government's Pyrite Remediation Scheme and is now the Head of the Practice and Commercial Skills Academy in the Office of Government Procurement.

Ciaran Fahy, Consultant Arbitrator, Conciliator, Mediator

Ciarán Fahy trained as a civil engineer and is a Chartered Engineer and a Fellow of Engineers Ireland; he has been in private practice since 1985.

Since 2003 Ciarán has worked extensively in all areas of dispute resolution as arbitrator, conciliator, mediator, expert and adjudicator; in Ireland, he is currently acting as standing conciliator on several projects both civil engineering and building – including the New Children's Hospital. He has acted as DRE (Dispute Review Expert) on projects in the Ukraine and in Ethiopia.

He is a Chartered Arbitrator and an Accredited Mediator. He is a former Chairman of the CI Arb Irish Branch 2008 – 2009 and is also a former Chairman of the Dispute Resolution Board at Engineers Ireland 2009 – 2015. He has served on the ICC Irish National Committee and also as a member of the ICC Commission on Arbitration and the CI Arb Practice and Standards Committee. He is on the Irish Ministerial Panel of Adjudicators and the FIDIC President's List of Adjudicators.

Ciaran Fahy is a member, and the Chair, of the Standing Committee for the Private Sector Contract (PSC)

Hank Fogarty, Lecturer in Construction Law & Contract Administration

A Chartered Engineer with over forty years practical experience in civil engineering and building construction – thirty eight with the SIAC Group. Retired in March 2009 as Managing Director of SIAC Construction Ltd.

Wide experience in the resolution of civil engineering construction disputes, in particular through conciliation. I also lecture in Trinity College, Dublin, on the Post Graduate Diploma Course "Construction Law & Contract Administration" and served on the Engineers Ireland Dispute Resolution Board for over 20 years.

Gerry O' Brien BE, LLB(Hons), FCIArb., FIEI, Chartered Engineer

Retired Regional Manager with TII. Involved with procurement and delivery of major road projects in the country.

Now specialising in dispute resolution and procurement advice on both public and private sector projects. Has acted as Conciliator / Standing Conciliator and dispute resolver on over 25 Contracts to a value of over €500m approx.

Greg Power, Trinity College Dublin

Greg Power is the Head of Capital Projects & Planning at Trinity College, where there is an ambition to develop a €1Bn Innovation Campus in Grand Canal dock, alongside their €460M capital programme, comprising a business school (complete) student accommodation, 320-year old Rubrics refurbishment, the old library redevelopment, law school, student centre, and teaching building for the E3 group, along with various medium sized capital projects also. Prior to joining Trinity in 2015, Greg was the Planning & Projects Officer in NUI Galway developing their masterplan and the 450M estate expansion from 2003.

Martin Curley B.E (Civil), Post-Graduate Diploma Highway & Geotechnical Engineering

A Chartered Engineer by profession with over 30 years' experience predominately with Local Authorities. Martin is currently Senior Engineer with Roscommon County Council and is responsible for the overall management of Roscommon National Roads Office (NRO). Roscommon NRO is responsible for the management and delivery of assigned National Road projects within Transport Infrastructure Ireland's West Region. Projects delivered from inception to full implementation include the N4 Dromod-Rosky Bypass (Leitrim), the N5 Ballaghaderreen Bypass (Roscommon) and N5 Longford Bypass (Longford). Current projects include N5 Ballaghaderreen to Scramoge road and N4 Carrick-on-Shannon to Dromod road projects.

Academic qualifications include B.E (Civil) (Hons), Post-Graduate Diploma in Highway & Geotechnical Engineering and L9 Post-Graduate Certificate in Road Maintenance Engineering & Network Management.

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